

REMARKS

Interview request

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant response and amendment. Applicants request the Examiner call Applicants' representative at 858 526-0376.

Status of the Claims

Pending Claims

Claims 1-7, 9-12, 16, 28-44, 46-49, 51-53 and 55 are pending and under consideration.

Claims 34, 35, 38 and 44 are withdrawn from further consideration by the Examiner, as being drawn to a non-elected invention.

Outstanding Rejections

Claims 1-7, 9-11, 28-33, 36, 37, 39-43, 46-49, 51-53 and 55 are rejected under 35 U.S.C. §112, first paragraph.

Applicants respectfully traverse all outstanding rejections of the claims.

Support of the Claim Amendments

The specification sets forth an extensive description of the invention in the amended claims. Accordingly, Applicants respectfully submit that no new matter is introduced by the instant amendment.

Claim Objections

Claim 51 is objected to for reasons set forth on page 3 of the OA. The instant amendment addresses this issue. Therefore, the claim objection may be properly withdrawn.

Claim Rejections – 35 USC § 112, first paragraph

Claims 1-7, 9-11, 28-33, 36, 37, 39-43, 46-49, 51-53 and 55 are rejected under 35 U.S.C. §112, first paragraph, as not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, as set forth in detail on pages 3 to 10 of the OA.

The instant amendment addresses this issue. After entry of this amendment, the claims will be directed to (a) those nucleic acids with at least 95% sequence identity to SEQ ID NO:1 that encode polypeptides having polymerase activity, (b) nucleic acids that encode polypeptides having polymerase activity that are enzymatically active fragments of the polypeptides of (a), or sequences that are fully complementary to the full length of (a) or (b).

Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. § 112 can be properly withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the Examiner can properly withdraw the rejection of pending claims under 35 U.S.C. §112, first paragraph. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

After the elected product claims have been found to be allowable, all withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-0661 referencing docket no. D1350-6US. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (858)526-0376.

Dated: September 3, 2008

Respectfully submitted,

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